

## II. REMARKS

### A. Introduction

In this Office Action claims 1-6 are noted as pending and are rejected based on prior art.

In summary of this Response, claim 2 has been amended by incorporating the subject matter of claim 1, and including further amendments as noted below, and remarks are provided.

### B. Rejection of Claims 1-6

#### Under 35 U.S.C. §102

These claims are rejected as being anticipated by Bauerlein, U.S. Patent No. 3,580,007. The Office Action indicates that this reference shows "an ice making conveyor 11 having an ice level sensor 80 which senses the level of ice in the bin 70 and shuts off the electricity to the ice maker."

Bauerlein, in fact, shows a movable rod or arm 80 that detects the amount of ice in the bin 70. The arm 80 is mechanically connected to a linkage 83 that rotates between a position wherein a finger 99 is disengaged from a motor 30 armature 97 with an abutment member 98 thereon (allowing the motor to turn the conveyor 11 to make ice), when the bin 70 is not full, to a position where the finger 99 contacts the abutment member and prevents rotation of the armature (stopping the movement of the conveyor and the production of ice), when the bin 70 is full. See, e.g., Col. 6, lines 9-36 and 49-70.

The engagement of the finger 99 of the linkage 83 and the abutment member does not terminate the electricity to the motor (which is a "continuously operating electric motor", Col. 3, lines 34-35), but merely prevents the motor from turning, i.e., stalls the motor to stop the ice maker from operating (Col. 6, line 64), which may be disadvantageous to the life of the motor, and could possibly lead to overheating since the electricity is still supplied. Also, the mechanical arrangement of the abutment member 98 and finger 99, as well as that of the abutment member 98/armature 97 connection, would appear to be subject to wear and possibly breakage (the reference even has to suggest means for minimizing these effects at Col. 7, lines 44-47).

Claim 1 is canceled herein, and the subject matter thereof has been added to claim 2, from which the other claims ultimately depend. Further, it is respectfully submitted that the

present invention, as recited by amended claims 2-6, was neither anticipated nor made obvious by the cited prior art for the following reasons.

The present invention relies upon an electrical connection between a switch and the motor to shut down the electricity to the motor when a predetermined amount of ice cubes is present in the bin, and until this excessive amount of ice cubes is sufficiently reduced. Thus, the shut off is electrical in nature, not mechanical. The shut off of the present invention uses, as recited in claim 2, an ice level sensing unit including a sensing lever moving up and down in a see saw manner, as shown in Figs. 2-4. Further, there is used a cam rotated by a force transmitted from the drive unit to move the sensing lever up and down, as shown in these Figures. Finally, as recited in claim 2, a switch is pressed by the sensing lever to turn on or off the electricity.

As Bauerlein fails to contemplate an electrical-based switch for shut off, and relies only on a mechanical device, Bauerlein could not teach one of ordinary skill how to successfully incorporate a switch as recited in claims 2-6 herein.

### III. CONCLUSION

In view of the foregoing actions taken by Applicant, it is believed this Response places this application in condition for allowance, and therefore should be entered and a Notice of Allowance issued for claims 2-6.

If there are any remaining formal matters that need to be attended to in this application, it is requested that the Examiner contact the undersigned attorney at the below-identified telephone number at the Examiner's convenience.

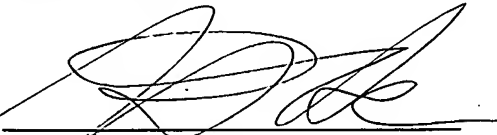
If any additional fee is required in connection with the filing of this Response, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLP

Date: \_\_\_\_\_

2/23/05

By: \_\_\_\_\_



William F. Herbert  
Registration No. 31,024

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501